

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,**CASE NO. 8:04CR294****Plaintiff,****vs.****ORDER****FRANK T. WAGNER,****Defendant.**

This matter comes on to consider the government's motion for reduction of sentence pursuant to Rule 35(b) and request for hearing, Filing No. 179. The Defendant has waived his right to be present, but requests to participate telephonically. Having considered the matter,

IT IS ORDERED that:

1. The government's request for hearing, Filing No. 179, is granted.
2. A hearing on the government's motion for reduction of sentence pursuant to Rule 35(b) has been set before the undersigned United States district judge on **October 2, 2006 at 9:00 a.m.** in Courtroom No. 2, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.
3. Counsel for the defendant, if previously appointed pursuant to the Criminal Justice Act, is reappointed to represent the defendant for purposes of the Rule 35(b) motion. If retained, counsel for the defendant remains as counsel for the defendant until the Rule 35(b) motion is resolved or until given leave to withdraw.
4. **Defense counsel shall provide the Court with a telephone number at which the defendant may be reached for the hearing.**

Dated this 25th day of September, 2006.

BY THE COURT:

s/ Laurie Smith Camp
United States District Judge